

REGULAR COUNCIL MEETING
Council Chambers, City Hall
July 12, 2021

Members Present: Douglas Baker, Mayor
Donna Fletcher, Deputy Mayor
James Johnson
Christian Marshall
Fred Mays
Ryan Rudegear
Samuel Lyons

Members Excused: None

In Attendance: Tracy Jamieson, City Manager
Brian Spaid, Esq., City Solicitor
Harmony Motter, Finance Director
James Wetzel, Fire Chief
Kevin Anundson, Police Chief
Charles Gibbons, Code Enforcement Officer
T.J. Parks, Recording Secretary
Dillon Provenza, Venango Newspapers, Inc.
Jodi Lewis, Franklin Area Chamber of Commerce
Chris and Jennifer Morrison, 302 and 304 13th Street
Rick and Brandi Haines, 408 4th Street
Don and Shelly Johnston, 448 Elk Street
Rick Porter, 1326 Chestnut Street
Brian Rickman, 1105 Elm Street
Sonya McCreary, 1105 Elm Street
Jess Carroll, Franklin Retail & Business Association
Bev Hart, 1333 Elk Street

Mayor Baker called the meeting to order at 7:08 P.M.

ADOPTION OF AGENDA - Resolution No. 72

Mr. Johnson moved to adopt the agenda as presented. Mrs. Fletcher seconded the motion, which passed unanimously.

APPROVAL OF MINUTES - Resolution No. 73

Mr. Marshall moved to approve the minutes of the regular meeting of June 7, 2021. Mr. Rudegear seconded the motion, which passed unanimously.

PAY THE BILLS - Resolution No. 74

Mr. Johnson moved to pay the bills as presented. Mr. Rudegear seconded the motion, which passed unanimously.

CITIZENS' INQUIRIES –

- Sonya McCreary, resident of Elm Street, does not appreciate the on-going fireworks from neighbors all summer long. She claims she has to drug her dogs because they are so frightened of the loud noises, also alleging that one dog suffers from seizures. Disrespectful neighbors are lighting off fireworks almost daily. She and other neighbors are sick of it. This has been a continuous problem since the state fireworks law was changed in 2017 to allow residents to buy consumer-grade fireworks. She continued that she had seen two homes burned in Florida because of hot fireworks residue, and does not want to see that happen here.

Brian Rickman, also a resident of Elm Street, continued to discuss the fireworks issue. He stated that consumer fireworks are not allowed to be used within 150 feet any occupied structure. He continued to read other parts of the law concerning fireworks. He also spoke of veterans with PTSD and their reactions to the explosive sounds.

Mr. Spaid advised that they find out who is setting off the fireworks and report them to the police, then testify against them in court. Both residents indicated that it's often difficult to find the perpetrators.

- Rick Porter, a resident of 1400 Block Chestnut Street expressed his concern about excessive speeding on his street, in addition to the 1300 block of Chestnut Street. He feels that speed humps in that area would help solve the problem. He is concerned about his grandchildren and other neighborhood children. Councilman Johnson confirmed that there is very excessive speeding in that area. Mr. Rickman continued that there is excessive speeding in his neighborhood as well, in the vicinity of Elm Street and 11th Street. He stated that drivers disregard the stop signs.
- Brandi Haines recently purchased properties in the City and is renting them out, while living one on side of a duplex part of the time, and in Florida the rest of the time. She is frustrated with parking issues on 4th Street. Her grievances lie with one neighbor in particular, who owns multiple properties in the neighborhood, each of which has vehicles owned by the property owner. These vehicles take up parking spaces and do not give others an opportunity to park. Mrs. Haines concluded by mentioning that speeding is also an issue in her neighborhood.

CERTIFICATES OF APPROPRIATENESS – Resolution No. 75

It was noted HARB recommended approval of the following requests:

- Exterior paint and awnings at 302 13th Street,
- Exterior paint and valance at 304 13th Street,

Mr. Johnson moved, and Mr. Rudegear seconded a motion to issue Certificates of Appropriateness for both requests. Motion passed unanimously.

BID AWARD – MILLER-SIBLEY IMPROVEMENTS PROJECT – Resolution No. 76

Mrs. Jamieson announced that, after many months, the project was finally approved to be put out for bid. Two bids were received at the June 29, 2021 bid opening, as follows:

1. Terra Works, Inc., Clarion, PA	\$562,275.00
2. Combine Construction, Inc., Sharon, PA	\$895,817.95

Mrs. Jamieson went on to explain that, due to the rising costs of building materials, the low bid came in higher than the original projected budget for this project, but it was not unexpected. As a result, the City will have to cover \$42,275, which can be directed from the Professional Building Account. Upon researching similar projects performed by Terra Works, their work has been consistently satisfactory. It is anticipated that, after receiving all bonds and final approval from DCNR, the project can get started during August.

Mrs. Fletcher motioned to approve awarding the project to Terra Works in the amount of \$562,275, and it was seconded by Mr. Lyons. The motion passed unanimously.

BID AWARD – PEDESTRIAN STREETScape PROJECT – Resolution No. 77

Mrs. Jamieson stated that bids were received through PennDOT's ECMS system to replace the lighting in the 1200 block of Liberty Street, and replace the concrete pavers with stamped concrete. There will also be trees replaced where needed and four new ADA curb ramps in the vicinity of West Park and Liberty Streets. The following three bids were received:

M&B Services, LLC, Clarion, PA	\$639,312
Thomas Construction, Grove City, PA	\$883,697
Combine Construction, Sharon, PA	\$963,390

Mrs. Jamieson further explained that the project will be funded through a TAP grant received from PennDOT and that it will not begin until after Applefest. She assumes that the concrete work will happen this Fall and the new lighting will be installed next Spring.

Mr. Rudegeair motioned to approve awarding the bid to M&B Services, LLC, in the amount of \$639,312. The motion was seconded by Mr. Marshall, which passed unanimously.

SIDEWALK PERMITS FOR OUTDOOR DINING

Mrs. Jamieson explained that she received a call from a field analyst of the Liquor Control Board in reference to Trails to Ales outdoor dining and serving alcohol to patrons seated at the tables on the sidewalks. Trails to Ales had requested permission to set up tables on the sidewalk outside their establishment due to the limited indoor capacity regulation that was set by the Governor in an effort to mitigate the spread of Covid-19. Since there is no longer a declared COVID emergency, the slackened LCB rules are no longer relevant. Since many restaurants throughout the state have been serving outside and want to continue doing so, the LCB has received many complaints from businesses and politicians that want the leniency to remain. The field analyst asked Mrs. Jamieson if the City has a program set up to issue sidewalk permits for alcoholic beverages to be served on the City's sidewalks in front of a downtown

restaurant, to which Mrs. Jamieson responded that that would take an action by City Council.

While there has been no formal request from Trails to Ales or any other restaurant thus far, Mrs. Jamieson felt the time was right to begin discussing it. With regard to this situation, Mrs. Jamieson advised City Council that they have one of three options:

1. Do nothing and require Trails to Ales to go back to indoor-only dining
2. Approve a more permanent sidewalk permit to allow the business to continue serving outside during the warmer weather months each year, in tandem with the LCB issuing an extension to the bars' licensed premises.
3. Rescind the Open Container Ordinance altogether

Mrs. Jamieson suggested that, if City Council wants to allow use of public sidewalks for this purpose, then the second option would give Council the ability to set whatever controls it would want (such as time limits, insurance requirements, set fees, and other conditions in the public's best interests). Mrs. Jamieson is unsure if an ordinance is required or if the City can deal with it on case-by-case basis.

Mrs. Fletcher stated that the Liquor License only covers the building inside. Mr. Rudegeair is concerned that we are setting a bad precedent and could be liability issue as well. Mayor Baker is in favor of allowing outdoor dining and alcohol serving as long as we have a permit. Mr. Spaid said that a permit can be created, but decisions would have to be made on how are we going to monitor it for full public access through the sidewalk, how much to charge per month, and other conditions to be determined. Mr. Spaid indicated he will begin to work with staff to put something together for this, but it would not be ready by next month.

INTERSECTIONS SAFETY COMMITTEE REPORT

Fire Chief Jim Wetzel gave an update on the latest Intersection Safety Committee meeting. He stated that once the public surveys were submitted, the committee decided to first target the local problem areas on City streets that do not have to include PennDOT involvement. Mr. Wetzel addressed the following four locations and possible recommendations for each location:

1. Elk Street & 11th Street
 - a) Install 2 stop signs on Elk Street at 11th Street (one each direction on Elk Street)
2. Elk Street behind the Courthouse
 - a) Zig-zag line painting or better pedestrian signage/painting on the pavement
 - b) Move the crosswalk
 - c) Move the loading zone towards the Bandstand
 - d) Remove parking on Elk Street from 12th Street to the loading zone
 - e) Enforce parking, specifically the loading zone area
3. Washington Crossing & Liberty Street (while on a State highway, it was determined that something could possibly be easily carried out through a signal permit change).
 - a) Dedicated all stop signal (like 13th & Liberty Streets)

- b) "No Turn On Red" signs
- c) Delayed red light
- 4. Liberty Street & 9th Street
 - a) Initiate the process to have the traffic light removed

Mrs. Jamieson stated that one committee member said that we can always try something and if it doesn't work it can be changed back. In reference to parking behind the courthouse, Mayor Baker is not in favor of eliminating parking because he feels that if the street is opened up, then people are going to speed through. Chief Wetzel said the main issue there are box trucks blocking the pedestrian crossing visuals. He also noted that crosswalks and traffic lines throughout the city are faded and need to be repainted; however, there is a shortage of line paint, as associated with the pandemic. At Washington Crossing, Mr. Spaid that the majority of the erratic driving is caused by people going out of town, not coming into town.

After much discussion, Council unanimously decided that further discussion is needed before any decisions can be made, but they instructed Mr. Spaid to prepare an ordinance for the 11th Street stop signs.

COOPERATION AGREEMENT BETWEEN THE CITY AND GENERAL AUTHORITY – Resolution No. 78

Mrs. Jamieson reminded Council of its agreement to join with the General Authority in carrying out a multi-purpose project on 10th Street hill (from Elm to Chestnut Streets). Since then, the Authority has also decided to replace the sewer line in the 1200 block of Eagle Street and bid out the entire project as one. This will save money for both the City and the General Authority. This section of Eagle Street is also on the City's FY-2019 CDBG street paving schedule. As a result of the City joining forces with the General Authority and using CDBG funds, the CDBG Program requires that we enter into a cooperation agreement with the Authority that spells out the understanding that the project is now under additional federal requirements.

Mrs. Fletcher motioned to approve entering into the agreement with the General Authority, seconded by Mr. Rudegear. The motion passed unanimously.

AWARD BARRETT FLATS TIMBER CUT #2 – Resolution No. 79

Mrs. Jamieson announced that only one bid was received from Maple Ridge Forest Products, in the amount of \$38,620. She reminded Council that 10% of that goes to Arnold Forestry. She informed Council that the lowest acceptable bid advised by Arnold Forestry was \$28,000.

Mr. Rudegear moved, and Mr. Johnson seconded, to accept the bid amount of \$38,620.00 from Maple Ridge Forest Products of Meadville. Motion passed unanimously.

CDBG SIDEWALK PROJECT WRAP-UP – Resolution Nos. 80 and 81

Mrs. Jamieson announced that the sidewalk project is completed and we can now lay out the final project quantities and approve necessary change orders. The initial contract award was \$134,828, but additional work was needed, such as matching driveway apron elevations to

the new sidewalk elevations. Since the contractor's itemized costs were so reasonable, we were able to replace more portions of sidewalk in the specified areas and exhaust the remaining funds from the FY-2017 CDBG Program. The total cost for the additional construction work came to \$53,670.83. Since the project took longer than the estimated 4 weeks, there was additional cost, as well, for the resident inspection services provided by The EADS Group, amounting to \$13,056. Mrs. Jamieson recommended that City Council approve change orders to each contract. Doing so also allows the City to continue drawing down CDBG funds on a timely basis.

Res. No. 80 - Mr. Johnson motioned to approve Change Order #1, in the amount of \$53,670.83 , with GEM Building and Dev. Contracting, for additional construction work in the project area. Mr. Lyons seconded the motion, which passed unanimously.

Res. No. 81- Mr. Rudegeair moved, and Mr. Marshall seconded the motion to approve the contract amendment for the additional cost of \$13,056, associated with the resident inspection services provided by The EADS Group. Motion passed unanimously.

PARK AND PARADE ASSEMBLY REQUESTS – Resolution Nos. 82 and 83

Mrs. Fletcher started off this agenda item by asking permission to use Bandstand Park on Sundays, if needed, in order to hold the Taste of Talent event, which has been postponed for the last two Wednesdays due to adverse weather conditions.

Res. No. 82 - Mr. Johnson motioned to permit the use of Bandstand Park on the additional days, if needed, in order to complete the competition. Mr. Lyons seconded the motion, which passed unanimously.

Res. No. 83- Mr. Rudegeair moved and Mrs. Fletcher seconded the motion to approve the following requests:

- August 7 and 8 – Bandstand Park • Taste of Talent Semi-Finals and Finals • FFAC
- August 8 – Fountain Park • Taste of Franklin • Franklin Retail & Business Association
 - Jess Carroll of the Franklin Retail & Business Association presented Council with a proposition to allow for alcohol sampling at the Taste of Franklin event. She stated that participants will be charged \$5.00 for a wrist band that will allow them access to the park and be able to sample the product. Those seeking wrist bands for alcohol sampling will be carded in order to verify age. The maximum amount of alcohol that any person could sample is 9.5 ounces. Mrs. Jamieson asked if out-of-town establishments are allowed to participate, to which Mrs. Carroll answered that it is strictly for Franklin businesses. The second part of this request is whether this is a joint effort with the Franklin Fine Arts Council. Mr. Spaid advised Council that, for insurance purposes, they leave the City's affiliation out of it. Council unanimously agreed that the Franklin Retail & Business Association be solely responsible for sponsoring this event.
- October 1 through 3 – Bandstand Park, Fountain Park, portions of Liberty St., West Park St., 12th St. between Liberty and Elk Streets. • Applefest

- October 5 – Fountain Park • Pink Splash for the Cure • Pink Splash for A Cure

The motion passed unanimously.

REPORTS

Manager –

- Theresa Weldon of Precious Paws has requested a pet drinking fountain in honor of Penny Minnick, a local advocate who is now deceased. Ms. Weldon initially asked for it to be in Bandstand Park, but Street Department Supervisor Jeff Reed thinks it would be a painstaking task that requires cutting through concrete to tie into the water and sewer lines, plus create a tripping hazard during events. He feels a better location would be Riverfront Park and connect it to the water and sewer lines of the existing drinking fountain, or near the pit that services the Egbert Fountain in West Park. Mrs. Jamieson asked Council if they accept the donation of the fountain, its maintenance, and any of the proposed locations. There was general agreement, however Mr. Rudegeair suggested not locating it in Fountain Park. Bev Hart, who was in the audience, spoke up and indicated that she had discussed with Ms. Weldon a possible idea to honor Penny Minnick and it only involved installing a granite dog bowl under the hose bib at the bandstand. She asked that she be allowed to discuss this with Ms. Weldon and she would get back to the staff on it, to which Council agreed.
- **Resolution No. 84** – Mrs. Jamieson reminded Council of the Blight Remediation Grant that Franklin was awarded. Since many of the properties that were in the Repository at the time of the grant application are no longer available, she wanted to place bids on certain remaining properties for demolition. These properties include 1003 Elm Street, 834 Old Mercer Road, 1339 Sassafras Street, and 829 Old Mercer Road. Mrs. Jamieson asked Council to approve this action.

Mr. Rudegeair moved and Mr. Johnson seconded approval to bid on the four blighted properties. Motion passed unanimously.

- Mrs. Jamieson informed Council that there are frequent complaints about porches with inappropriate furniture and clutter. Mr. Gibbons has been looking into ordinances in other communities that prohibit porch clutter and asked Council if they would be interested in adopting such an ordinance for Franklin. All members were in favor. Mr. Gibbons and Mr. Spaid will begin working on it
- Mrs. Jamieson stated that she received a call from the County, notifying the City that they are replacing the brickwork in front of the Courthouse that meets the City's brick walkway in Bandstand Park, leading to the Civil War monument. The County wanted to know if we would like to replace our brickwork to better tie in with the end of their walkway. We were not able to get a cost estimate from the contractor prior to the Council meeting, but they are planning to start the work near the end of July or beginning of August. She informed Council that we could use FY-2021 CDBG funding if

we choose not to do the work now, but those funds would not be available until 2022. Council would like an estimated cost before making any decisions.

- Mrs. Jamieson informed Council that we have been cleaning out old files. Between various City-owned buildings, we gathered about 350 boxes of files and sent them to Out of Sight Shredding. She has also arranged for the carpets in City Hall to be cleaned on July 23, 2021. She asked Council's agreement to close City Hall to the public, with staff in to answer the phones, on that day to accommodate the cleaning company. Council agreed to close to the public that day.
- Has a couple items for Executive Session under potential litigation and negotiations.

Solicitor – In reference to the ordinance to vacate 5th Street, the second reading will take place at the August or September Council meeting. He stated that he and Jim Greenfield are working together on drafting infrastructure easement agreements for the adjoining property owners on each side of the proposed vacated portion of 5th Street.

Mayor Appointments – None

COUNCIL REPORTS

Mayor Baker – Stated that he received a request from the Municipal League to sign a petition to repeal the 2017 fireworks law. Having heard all of the complaints about fireworks, Council readily agreed that he should sign the petition.

Mrs. Fletcher –

- Requested time in Executive Session to discuss personnel
- She has sympathy for Mrs. Haines regarding the parking issue. She had the same problem in her neighborhood. She further explained that one resident got heavily ticketed while he was in the hospital, which is why the parking ordinance that stated a vehicle must be moved every 48 hours was repealed.
- Mrs. Fletcher feels that all these public firework displays are superfluous and a waste of money. She feels it would be more economical if we could join forces with neighboring communities and do one big display, once a year.

Mr. Johnson – Stated that he is glad to be back in council chambers and working our way back to normality.

Mr. Marshall –

- Stated that there are tree branches covering a "No Parking Here to Corner" sign on Elk Street near the 13th and Elk St. intersection.
- Mr. Marshall is also concerned about the under-staffed police department.

Mr. Mays –

- Stated he was pleased with the success of the Blues and BBQ festival.
- Going back to the subject of fireworks, he said he sympathizes with upset residents, especially those with PTSD.

Mr. Rudegear – None

EXECUTIVE SESSION – Resolution No. 85 – Mr. Rudegear motioned and Mr. Johnson seconded to enter into executive session to discuss potential litigation, negotiations, and personnel. Motion passed unanimously and Council went into Executive Session at 9:18 P.M., which ended at 9:48 P.M.

ANY OTHER BUSINESS – Resolution No. 86 – Mr. Rudegear motioned and Mr. Johnson seconded the motion to voice opposition to certain bids placed on properties in the Venango County Repository, and to approve the acquisition of the following: 729 Wiley Avenue, 937 Elm Street, 717 Hillside Avenue, and vacant land properties on 10th Street. Motion passed unanimously.

ADJOURNMENT

There being no further business to come before the Council, the meeting was adjourned at 9:49 P.M.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'T.J. Parks', with a long horizontal flourish extending to the right.

T.J. Parks,
Recording Secretary